

**OWENS-ILLINOIS**

Legal Department

July 17, 1995

EPA Region 5 Records Ctr.



335371

Sheri Estes, Esq.  
Assistant Regional Counsel  
United States Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Re: Stickney Ave./Tyler Street  
Dumps, Toledo, Ohio ("Sites")

Dear Ms. Estes:

It was a pleasure speaking with you on June 29, 1995 regarding the above-referenced sites. In that conversation, I intimated to you my disappointment with U.S. EPA's position that Owens-Illinois is a potentially responsible party ("PRP") at the Stickney and Tyler sites. To date, there is insufficient evidence to show that Owens-Illinois disposed of hazardous substances at these sites, and we ask that you reconsider your position.

First of all, as already set forth in O-I's 104(e) responses, O-I has no information in its possession linking it to the generation, transportation, treatment, disposal or other handling of hazardous substances at either the Stickney Avenue or Tyler Street landfills. Furthermore, to the best of our knowledge, O-I was the only entity to conduct an investigation into the use of various landfills in the Toledo area in the early 1980's. At the conclusion of this investigation, O-I submitted CERCLA 103(c) filings for Dura Avenue landfill, King Road landfill and Hagman Road landfill. During this investigation, Stickney and Tyler were not identified as landfills utilized by O-I. Surprisingly, U.S. EPA has not questioned any other PRPs regarding their failure to file such 103(c) reports. In addition, O-I conducted yet another investigation regarding the use of the Sites in response to U.S. EPA's CERCLA 104(e) requests and such investigation confirmed the earlier investigation.

Second, contrary to U.S. EPA's position, the interviews conducted by U.S. EPA do not demonstrate O-I's connection to the Sites for the following reasons:

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1. November 16, 1994 interview conducted by Sheri Estes: This unidentified individual states that he picked up truckloads of 55-gallon drums of solvents and paints from four (4) O-I factories. This testimony has no basis in fact in that at no time during the relevant time period did O-I have four (4) factories in the Toledo area. I refer you to O-I's response to U.S. EPA's October 17, 1994 104(e) Request which details O-I's various operations in the Toledo area during the relevant time frame. (Attached for your convenience.) Furthermore, the only O-I plant, Libbey plant on Buckeye Road, could not have generated the types and amount of waste as stated by this witness. Finally, it is clear from the deposition transcript that this witness confuses Owens-Illinois with Libbey-Owens-Ford and other glass companies in the Toledo area (see ppg. 103-111). Attached please find an 1990 article entitled "The Glass Industry in Toledo, Yesterday and Today" which briefly outlines the various glass companies in Toledo.
2. November 1994 interview conducted by Sheri Estes: This individual worked at the Tyler landfill from the early 1950's. This individual does not recall O-I utilizing either of the sites for waste disposal (ppg. 32). This individual recalled that Libbey Glass Company may have utilized the Tyler landfill for waste disposal, however, unequivocally stated that Libbey only disposed of cardboard crates and general rubbish and not liquid waste or hazardous substances (ppg. 57-60). This individual did not identify Libbey as utilizing the Stickney Avenue landfill for waste disposal (ppg. 80).
3. November 30, 1994 interview conducted by Sheri Estes: This individual unequivocally stated that neither O-I nor Libbey Glass utilized either the Stickney or Tyler landfills for waste disposal.
4. December 1, 1994 interview conducted by Sheri Estes: This individual worked at the Tyler landfill in the 1950's. This individual does not recall O-I or Libbey Glass utilizing Stickney, Tyler or Dura landfills for waste disposal (ppg. 30 & 65).

Thus, based upon the above witness interviews conducted by U.S. EPA itself, without providing an opportunity for any PRPs to cross-examine the witnesses, it is clear that none of the witnesses can recall either O-I or Libbey Glass utilizing either of the Sites for the disposal of hazardous substances. O-I requests U.S. EPA to produce any other information or evidence in its possession which it claims demonstrates O-I's liability at

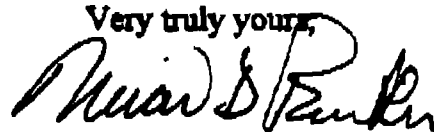
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the Sites. Specifically, O-I formally requests U.S. EPA to provide it with the names and addresses of each of the witnesses interviewed. There is no basis for not turning over this information as these people are third party "fact" witnesses and there can be no claim of privilege.

O-I is committed to environmental compliance and has a history of cooperating with U.S. EPA at Superfund sites where there is some evidence of its liability. In conclusion, the information and evidence compiled to date are not sufficient to support even an issuance of a special notice letter to O-I for the subject Sites. For the foregoing reasons, we respectfully request that O-I be deleted as a PRP at these Sites.

If you have any further questions or comments, please do not hesitate to contact me.

Very truly yours,



Nirav D. Parikh  
Legal Counsel

js

Enc.

cc: Jane E. Montgomery - Schiff, Hardin & Waite  
Robert J. Towles  
Louis E. Tozi  
Michael J. O'Callaghan  
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# The Glass Industry in Toledo, Yesterday and Today.



Produced by  
Owens Illinois, Libbey Owens Ford,  
Owens Corning and Mansville Sales  
Corporation (1990)

**T**oledo is recognized as the glass capital of the world since three sizable and separate companies, all manufacturing glass products, are headquartered here. This unique situation is due primarily to the inventiveness and determination of three men: Edward Drummond Libbey, Edward Ford, and Michael Owens.

Each was a typical example of that Nineteenth Century breed of American capitalist: aggressive, resourceful, daring, yet, their backgrounds and personalities were remarkably different. Libbey was the New England aristocrat, a prep school graduate who favored a pipe and a fashionable bowler; Ford, a riverboat pilot during the Civil War, continued a family tradition inherited from his father, the first plate glassmaker in America; and Owens, the uneducated inventor, a product of the West Virginia coal country - eccentric, brilliant, rascable - was more at home in shirt sleeves on the production line than in oak paneled boardrooms.

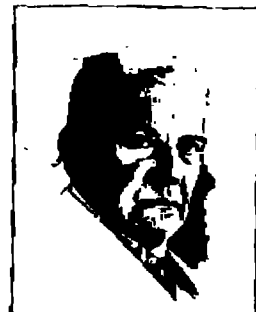
Together, their talent and unerring will to succeed created innovations and technologies unheard of in the glass industry and laid the foundations for the four large and diversified glassmaking companies which make Toledo "The Glass Capital of the World."



Edward  
Drummond  
Libbey



Edward  
Ford



Michael  
Owens

T

he Year It Began. The glass industry in Toledo can be traced to 1888, the year that Edward Hammond Libbey moved the Libbey Glass Company here from New England. Although Libbey came from a family with a long history of glassmaking experience, his financial position in Toledo the first few years was decidedly shaky. Expenses were high and many of Libbey's New England workmen



Pouring molten material for machine-blown cylinder glass, an early production method in the window glass industry.

came unskilled and remained with the F&M. As a result, quality suffered. Borrowing in the bank, upgrading manufacturing facilities, Libbey finally put his operation on a profitable footing. Edward Ford, who had been connected with family-operated glass businesses in Pennsylvania, established the Edward Ford Plate Glass Company in suburban Toledo in 1898, giving rise to the city of Rossford which today boasts a population in excess of nearly 6,000.

#### "I Have Something To Show You".

Michael Owens was Libbey's first superintendent of production, and it was largely through his efforts that Libbey's Toledo plant began operating on an effective and profitable basis.

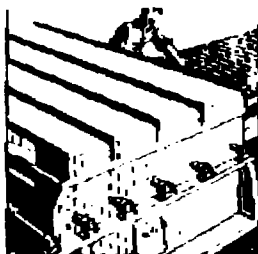
A skilled glass plant since he was 10 years

old, and with only a trace of formal education. Owens was, nonetheless, a mechanical genius, a fact which Libbey was quick

to recognize. Libbey gave Owens free rein to develop new glassmaking techniques.

Owens had already built the first semi-automatic machine for manufacturing glass tumblers when, in 1901, with the words, "I have something to show you," he unveiled for Libbey his sketch of a fully automatic glass bottle-making machine. The Owens bottle machine, at that time one of the most intricate and complicated mechanisms ever devised by man, introduced high-speed uniform quality bottle production, thereby revolutionizing the glass container industry and virtually eliminating the need for child labor in glass plants. In fact, a significant number of the large scale food and beverage industries in the United States today trace at least a portion of their growth to Owens' automatic glass bottle equipment which established standards of hygiene and levels of mass production never before achievable.

With Libbey's backing, Owens founded the Owens Bottle Machine Company. In 1929, this company merged with the Illinois Glass Company and became the Owens-Illinois Glass Company. In 1935, Owens-



The cooling beds of a Colburn flat process system for manufacturing sheet glass, developed by Irving Colburn and completed by Michael J. Owens.

Illinois purchased the Libbey Glass Company and Libbey continues today as an important operating unit of Owens-Illinois.

**The Diversified Mr. Owens.** As successful as the bottle machine proved to be, Owens was never content to rest easy. He became interested in a flat glass process originated by another inventor, Irving W.

Colburn. Owens perfected this process, and with Libbey founded the Libbey-Owens Sheet Glass Company. In 1930 this company merged with Edward Ford's company to become Libbey-Owens-Ford.



Loading molten glass for the production of machine-blown cylinder glass.

F

#### iber Glass - The Twentieth

**Century Material.** Owens-Illinois and Corning Glass Works of Corning, New York, formed Owens Corning Fiberglas Corporation in 1948 to make fiber glass products. Glass fibers or spun glass had been known to glassmakers for centuries, but it wasn't until the Twentieth Century that production technology and profitable applications were developed. Owens Corning established its headquarters in Toledo.

In 1955, Glass Fibers, Inc., an independent Toledo company founded in 1944, was merged with Libbey-Owens-Ford's fiber glass division established in 1951, to form the LOF Glass Fibers Company. In 1958, Manville Sales Corporation purchased this company. Manville Sales Corporation operates a large manufacturing facility near Waterville in southern Lucas County.

**Any Questions.** If you're still a bit confused about which company is which, you're not alone. Even long-time Toledo residents are not always certain as to who makes what. As a quick identification guide:

Owens-Illinois makes glass containers and glass tableware; LOF manufactures flat glass, principally for automobiles and building construction; and Owens Corning and Manville produce fiber glass for a variety of construction and industrial markets.

L

**Libbey-Owens-Ford Co.**, Libbey-Owens-Ford is a leading manufacturer of glass products for the automotive, residential, architectural, mirror, furniture and specialty glass markets. Formed by merger in 1990, LOF has been an automotive industry pioneer, pioneering great developments such as laminated safety glass, the two-piece curved windshield, and the electrically heated rear window. The company has taken the lead in developing the anti-laceration windshield and has perfected technologies, including automotive glass encapsulation that greatly improve production efficiency in automobile manufacturing. The company also supplies clear, tinted and reflective glass for the architectural and construction markets and is a supplier of high-quality glass to manufacturers of mirrors and furniture. For the residential window market, LOF supplies single-pane glass, thermopane insulating glass and low-E glass.

Since 1990, LOF has been a member of the Pilkington Group, of St. Helens, England, U.K. Pilkington, which invented the revolutionary float glass process and gave it worldwide utilization, is the leading international glassmaker with more than 400 subsidiary and related companies throughout the world.



**LOF's Flat Glass Products Group**, a leader in developing innovative glass products, supplies a variety of clear, coated and tinted glasses for the architectural market.



**LOF reduced costs and assembly steps for auto manufacturers** by developing encapsulated glass composite panels which can be quickly installed by robotic processes.

**LOF Libbey Owens Ford**

A member of the Pilkington Group

The LOF-Pilkington relationship got its start in 1957 with the first of several major licensing agreements which brought Pilkington technology to the United States. Nippon Sheet Glass, Tokyo, also acquired a minority interest in LOF in 1989, strengthening a business relationship of many years standing.

Tokyo's role as the Glass Capital has also encouraged the development of glass-related industries. Four of the most prominent are Glasstech, Inc., Tempglass, Inc., Glassline Corporation and Royal Tool Inc., all highly successful in their respective markets. Glasstech innovates, designs and fabricates glass bending and tempering equipment for the automotive and architectural industries and is also developing equipment for manufacturing photovoltaic cells. Tempglass custom fabricates horizontally tempered glass,

insulated glass, laminated glass and spandrels for the architectural market. Glassline designs and fabricates equipment and diamond tooling for glass manufacturing. Royal Tool Inc. designs and builds GMS and Sun Tool products for glass grinding, drilling, polishing and edging.

O

**Owens-Corning Fiberglas Corporation.** Toledo is headquarters for Owens-Corning Fiberglas Corporation, the world's leading manufacturer of glass fiber products. Established in Toledo in 1938, Owens-Corning's annual sales now exceed \$2.5 billion. The company employs more than 17,000 people, operates over 40 manufacturing plants in the United States, and has subsidiaries and affiliates in Europe, South

America, Japan, Australia, Canada, Mexico and the Middle East.

Owens-Corning manufactures thermal and acoustical insulation products for residential and commercial buildings, appliances and air handling systems, roofing materials, and glass fiber-reinforced under-

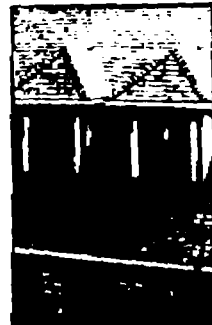


**Because Fiberglas looks great exterior and interior**, they are widely used for petroleum fuel storage by major oil companies and private vehicle fleets.



**Four ply glasscraft is fishing boatfast, corrosion-resistant.** Fiberglass-reinforced plastic helps water boats strong and sleek so boats can go faster and faster with less maintenance.

**OWENS-CORNING FIBERGLAS**



**These Golebridge dimensional shingles** are also the result of Owens-Corning development in materials.



**Owens-Corning Fiberglas insulation like this 12-inch R-20 batt helps conserve energy.** The insulation also reduces heating and cooling costs while providing year-round comfort.

ground petroleum storage tanks. Many of these products are marketed under the trademark FIBERGLAS.

The company is also the leading producer of glass fiber reinforcement and yarns, and a major producer of polyester resins. These materials are used in cars, boats, electronic equipment, printed circuit boards, plumbing components, oil field pipes, ballistic armor and aerospace materials.

M

**Manville Sales Corporation.** Manville Sales Corporation produces and markets a large variety of fibrous glass products on a domestic and worldwide basis.

The Fiberglass Manufacturing Division is headquartered in Denver, Colorado, operates a production facility in Waterville, a suburb of Toledo. This facility produces fiber glass mats for use in roofing products, fiber glass linings, fiber glass which is used in education media, and in aerospace applications such as NASA's Space Shuttle Project. In addition, the Division has plants in Delmar, Ohio just south of Columbus, Ohio.

The Fiberglass Insulation Division for other industrial and commercial applications are produced. Manville operates 120 domestic fiber glass plants and has subsidiary and

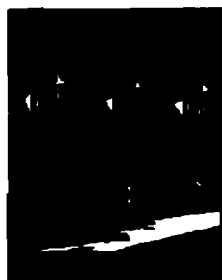


Manville's high temperature insulation products protect many areas of the space shuttle, including the crew compartment, maneuvering engines, the flight recorder and parts of the outer surface.

MvL  
Manville

affiliate operations throughout the world.

Manville Sales Corporation, which employs 10,000 people worldwide, is a leader in the production and marketing of fiber glass products, pipe products and systems, roofing products, thermal insulations, minerals and industrial products.



A variety of roofing applications benefit from the strength, stability and fire resistance of non-woven fiber glass mats.



Nonwoven fiber glass mats meet the high performance needs of many products.

O

**Owens-Illinois, Inc.** Owens-Illinois is one of the world's leading and most diversified manufacturers of packaging products.

In addition to glass containers, units of the company produce and sell blown plastic containers, plastic drums, plastic closures, tamper-resistant closures, plastic and glass prescription containers, pharmaceuticals, labels, and multi-pack carriers for containers.

Other products include television bulbs for picture tubes, Kimble pharmaceutical packaging and scientific and laboratory ware, and Libbey tumblers, stemware, and decorative glassware.

A unit of the company, Health Care & Retirement Corporation of America, has a significant interest in a dynamic growth business — long-term health care.

Domestically, O-I operates more than 75 manufacturing and related facilities in 27



Long-term health care, a major growth activity in the United States, is an important segment of O-I business.



Though Owens-Illinois has moved into other lines, glass and plastic containers still comprise much of the company's business.

O-I  
OWENS-ILLINOIS

states and employs about 44,000 persons. O-I has foreign affiliates and associates producing most of the packaging, consumer, and technical products produced in O-I domestic operations. The Company also has technical assistance and licensing agreements with packaging companies around the world.

In addition to its corporate headquarters, O-I has a Libbey table glassware plant in Toledo. Most research development and engineering activities are centralized at Lewis Development Park here.

Owens-Illinois is a major producer of television picture-tube bulbs and scientific laboratory ware as well as other specialized containers.



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